

PROCEEDINGS OF THE BROWN COUNTY
PUBLIC SAFETY COMMITTEE

Pursuant to Section 19.84 Wis. Stats., a regular meeting of the **Brown County Public Safety Committee** was held on Wednesday, February 4, 2015 at the Brown County Sheriff's Office, 2684 Development Drive, Green Bay, WI.

Present: Chair Buckley, Supervisor Clancy, Supervisor La Violette, Supervisor Nicholson, Supervisor Zima
Also Present: Todd Delaine, Jeff Jansen (Interim Medical Examiner), Cullen Peltier (Communication Center), Don Hein, John Gossage (Sheriff), Dave Lasee (District Attorney), Kristin Hooker (Corporation Counsel), Paul Gazdik, John Vander Leest (Clerk of Courts), other interested parties.

I. Call meeting to order.

The meeting was called to order by Chair Patrick Buckley at 11:02 a.m.

II. Approve/Modify Agenda.

Motion made by Supervisor Nicholson, seconded by Supervisor Clancy to approve agenda. Vote taken. MOTION CARRIED UNANIMOUSLY

III. Approve/Modify Minutes of January 7, 2015.

Motion made by Supervisor Nicholson, seconded by Supervisor La Violette to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

Comments from the Public

None

1. Review minutes of:

- a. Traffic Safety Commission (October 16, 2014).**

Motion made by Supervisor La Violette, seconded by Supervisor Nicholson to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

District Attorney

2. Departmental Job Opening Summary.

David Lasee presented. The intake specialist position is now filled and approved, and the department is now seeking to fill the Clerk II position. The former Clerk II is now the intake specialist. The position opening will be posted soon.

Motion made by Supervisor La Violette, seconded by Supervisor Nicholson to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

3. Discussion and possible action re: proposing a resolution for the County Board to ask the State of Wisconsin to allocate funds in the 2015-2017 budgets for additional ADA positions.

David Lasee presented. The county board has passed resolutions in the past indicating a need for additional positions and asking the state to allocate resources. The governor's budget proposal came out and was not favorable to the DA departments. The DA's were told they were supposed to have been taken care of and it wasn't even close. The governor also didn't provide any funding for pay progression despite the state's own recently passed statute. Lasee felt that the governor's budget was a disaster for Department of District Attorneys. He has made several ventures down to Madison to see legislators, and has been pounding doors and pavement. The DA's will ask the state's Joint Finance Committee to put those funds back in for additional positions. Also, the Wisconsin District Attorney's Association (WIDA) is asking all counties affected to pass a resolution to show support for additional positions and ask the state to fund them fully.

Supervisor Nicholson asked if the governor was just weak on crime. Other committee members suggested that the governor shouldn't be weak on public safety issues.

Supervisor Nicholson then asked where State Senators Lasee and Hansen stand on the issue. Lasee responded that Sen. Hanson supports it. Supervisor Nicholson said that he knows "everybody" supports it, but wants to know if the legislators will take any action. Lasee responded that Sen. Hansen may not be in a position to take action as he is in the minority controlling party. Supervisor Nicholson asked again if Sen. Hansen would do anything on the issue. Lasee responded that he knows Sen. Hansen supports the DA position and will try to do something, but doesn't know how successful he can be being in the minority party. DA Lasee stated that he was not sure about Sen. Lasee's position on the issue. DA Lasee said that he knows that they know it's an issue on the radar. Supervisor Nicholson asked if DA Lasee had contacted Sen. Lasee. DA Lasee said that Sen. Lasee always wants more information and emphasizes the fact that it's a tough budget cycle.

Supervisor La Violette asked how votes are lining up on Joint Finance. Lasee said that he is not sure, but said that it's obviously party line and the controlling party controls Joint Finance. Supervisor La Violette stated that she heard that many Republicans were having a hard time supporting the governor's budget. Lasee said that he still has some hope that they can get some funding. He told the committee that the DA's office is a core function of government and cannot be allocated out. The Public Defenders had additional positions in the budget because of increased case loads, but that increase is coming from somewhere and that somewhere is the DA's office. The Public Defender's office has the ability to outsource out to the private bar when they reach their annual quota, but the DA office does not have that luxury. Every case that comes into the DA's office belongs to the DA; they have to handle it. Lasee is willing to express to legislators and governor's office that this is crisis mode.

Supervisor La Violette asked if Lasee had spoken to Rep. Nygren. Lasee said that they have spoken to Nygren on the issue several times. He is aware of the issue, and Lasee said that Joint Finance was responsive on DA pay progression several years ago. Lasee thinks all the legislators have been in a wait and see mode to see what the governor's budget would be. The governor's budget proposal just came the night prior. Everyone was in wait and see.

Motion made by Supervisor Nicholson, seconded by Supervisor La Violette to approve. Vote taken. MOTION CARRIED UNANIMOUSLY

4. District Attorney's Report.

David Lasee presented. He reported that the Intake position has been filled, and the office is trying to add additional positions.

The diversion program is up and running. There will be a presentation to the full county board in March by Judge Zuidmulder. The diversion program is for low risk, low need offenders and will affect 500 out of the 9,000 referrals each year. Lasee said some counties are diverting out offenders all together with a one or two hour course. Brown County's program is a little more structured than that and will have a six or eight week program. This will get people out of the system so resources can be allocated to high risk offenders that need them. Low risk, low need offenders.

Supervisor Zima arrived at 11:09 pm

Supervisor Nicholson asked what the program would be called. Lasee said that the program is simply called the Brown County Diversion program which will fall under the TAD grant.

Supervisor Nicholson asked how this program is different than the VIP program and Teen Court which he felt have been useless. Lasee responded that the TAD grant program will be much more structured, and there are a lot more requirements on the county to do reporting as it is part of the grant. They will keep track of statistics like rate of re-offense and program success rate, so they can validate and see that the program works. If the program doesn't work than the county will not continue it. Lasee says they want to be sure they are doing it the right way and keeping the proper data. Lasee said that there is a little more accountability to the program, since for offenders it starts with a full-research based assessment to determine needs and risks. Based upon the results of the assessment, an offender will fall into either the six week or eight week program. Lasee mentioned that offenders will need to participate in drug testing and will need to attend all the meetings. If they do not attend, then charges will be issued.

Supervisor Nicholson asked how much it would cost. Lasee said it won't cost the county any funds. The program will be participant funded including the drug testing.

Supervisor Clancy inquired if there were any more disclosures on the recent drug bust. Lasee asked if he was referring to the case that involved the wiretap. Supervisor Clancy said yes. Lasee said that cases are still pending, some are wrapping up. It is his understanding that results have been favorable, but he doesn't want to comment too significantly as cases are still pending.

Motion made by Supervisor La Violette, seconded by Supervisor Nicholson to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

Medical Examiner (ME)

5. Budget Status Financial Report for November, 2014.

Jeff Jansen presented. He commented that the December numbers are not complete. Final numbers that were presented are through November. Only 87 percent of the budget was used. Operating expenses are at 85 percent of budget. He believed that the final numbers for 2014 should be in by the next meeting.

2015 budget has been completed and approved and he is getting training on interpreting what he can and cannot do and use and if he can transfer things. It is all new to him yet.

Motion made by Supervisor La Violette, seconded by Supervisor Nicholson to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

6. 2014 & 2015 Brown County Medical Examiner (ME) Activity Spreadsheet.

Jeff Jansen presented. In 2014, there were 1019 cases, of those 50 were autopsies, 40 were external examinations, there were 1118 cremation permits signed, and 613 cases were hospice deaths. The county ended the year with 34 suicides, 5 homicides, 9 motor vehicles fatalities, 82 non motor vehicle accidental deaths (ex. falls in the home), 885 natural deaths and 2 undetermined (an undetermined ruling occurs when the ME has gone through all the autopsy results and find there is no natural cause of death, toxicology testing negative). In undetermined cases, it typically ends up being infants and after culture, blood test and other testing and no clear result found, it is ruled undetermined.

For January 2015, the county has had 86 investigations, 4 full autopsies (which is in line with past years), 4 external examinations (two more than 2014), 2 suicides and 1 motor vehicle fatality that could yet be ruled a homicide.

The ME has been holding meetings with other counties to get online as Brown County is administering there offices. There have been recent meetings in Brown County with local government officials to see how the ME can better serve them and still remain within the operating guidelines. The ME's office is working on updating their policies and procedures manual which was written quite a few years ago, and has only been updated once since then.

Supervisor Zima asked how many other counties contract with Brown County. Jansen said two: Door and Oconto. Supervisor Zima asked how long the contracts are for. Jansen said that the current contracts are for one year. The contracts were last updated in August of 2014. Supervisor Zima asked if the contracts are good through January 1 of 2016. Jansen said yes and added that the contracts are done by administration from the two counties with Brown County administration. The contracts are gone through by corporation counsel of both counties, and then the ME looks at it to see if there are changes that will impact the budget and then it's signed by the county administrators.

Supervisor Zima asked if Brown County ends up finding a forensic pathologist is there potential to contract with more counties for autopsies. Jansen said yes and added that there are two real potential opportunities. One is to administer Marinette County, where the coroner is getting older and looking at contracting with Brown County. The second being Kewaunee County, who has an interim coroner that was appointed by Governor Walker, and they would also be interested in contracting with Brown County. Jansen continued that Brown County is already setup and gets a pathologist to come up and do autopsies for Shawano County and occasionally Langlade and Florence Counties. Supervisor Zima believes that for a successful program, Brown County should seek to set up those contracts and help make things more cost efficient.

Supervisor Zima suggested that the rumor mill has it that the former medical examiner is trying to hustle business away from the county. Jansen responded that the rumors are not true. Jansen explained that a funeral director talked to the two counties, asked them if they would object to him being put on as a deputy for their counties so when there are deaths at a Brown County hospital, rather than sending deputies from their own counties, they could contact him and he could work the cases. Both counties asked Jansen what he thought of the offer and he replied that as far as he knew Klimek retired and left under good conditions, Jansen said he is qualified to do the job. Jansen told

the committee that each county does their own hiring and firing and he can put input to it, but had no reason to say Klimek was not qualified for the jobs, and he was hired by them.

Supervisor Zima asked if Klimek is operating in a really limited capacity. Jansen said yes, very limited.

Supervisor Zima asked Jansen to explain the situation again. Jansen said that it's really an issue of jurisdiction. In the 5 or 6 times this happens per year, Al Klimek would do the work in Brown County in a strict and very limited capacity, but it would save a county from sending one of their own deputies.

Supervisor Zima asked why the Brown County office can't do the work. Jansen responded that it's a cost issue. He told the committee that deputies from Oconto County get lesser case pay but get mileage whereas Brown County gets higher case pay, but no mileage. Jansen continued that if a Brown County Deputy covers a case, the contracts say that he will be reimbursed at the Brown County rate. A Brown County Deputy covering another county's case would get reimbursed at the Brown County rate plus Brown County mileage from Brown County to the call and back. Other counties prefer someone getting paid at their county's rate. To have a deputy stationed in Brown County has a better time frame so they can get to the hospital quicker and let family have closure, it gets funeral homes on the way quicker, and it just all the way around helps from the other counties perspectives.

Supervisor Zima asked again why our county office can't handle that. Jansen replied that it's because of the way the contracts are written. Supervisor Zima said that the amount of money wasn't very significant. Jansen replied that other counties get paid \$63 per case, and Brown County gets paid \$84 per case. Plus, the other counties give mileage which is another \$40-\$45 per call.

Chairman Buckley said that it would be easy to change the contract. Jansen agreed, but said the contract was already signed and approved as of August 2014. Chairman Buckley felt that it could be amended. Chairman Buckley asked why Brown County let that go. Jansen replied that he does not know as it occurred before he arrived. Jansen said that Brown County's administration along with the other counties' administrations sets up the contracts. Chairman Buckley asked if Klimek was deputized by Door and Oconto Counties. Jansen said yes.

Supervisor La Violette pointed out that it was the other counties decision to appoint him. Jansen agreed, adding that it is the counties that pay their deputies out of their funds over and above what Brown County gets from them for administering their offices. Jansen went up to Door County and sat in on interview on a potential deputy, and while he can comment to Human Resources, he does not have the right to hire and fire. He mentioned that he currently has a deputy in Door County not working up to what they should be doing. He's been sending documentation to Human Resources in Door County, and while Brown County manages their offices, their scheduling, their paperwork, billing and autopsies; Brown County cannot have final control over their employees.

Supervisor Nicholson asked what the homicide specifics are. Jansen did not have specifics with him but will get them for next meeting.

Motion made by Supervisor La Violette, seconded by Supervisor Nicholson to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

Clerk of Courts

7. Update on 2014 Financials.

Need Handout

John Vander Leest presented. He started by saying that there are currently two vacancies at the Clerk of Courts office. The two positions are Clerk I and Deputy Clerk of Courts. There will be approximately \$76,000 in savings for the remainder of the year. One of the positions will be filled internally which is the Deputy Clerk of Courts to assure coverage. The vacated position will not be filled. There will be a net of two vacant positions that will not be filled. The department will seek approval of the deputy clerk position in March.

Vander Leest is working with Brown County Treasurer to move the Clerk of Courts Trust Fund to a higher interest rate of .32 instead of .03 which will result in additional \$5,000 – \$7,000 in revenue.

Vander Leest has met with 6 of the 8 judges and is getting their ideas to increase revenues. He has also met with all the Clerk of Court staff to review agenda and performance goals for 2015. They are creating an internal Cost Savings and Efficiency Committee to review related efficiency ideas. They are also creating a Policy and Procedure Committee to document work tasks and job duties.

He has met with the GAL attorneys to discuss fees and their role in requesting additional deposits.

The department is working on additional ideas to increase revenues. For example, going paperless will save the department \$10,000 over the next year.

Vander Leest will be meeting with the Court Commissioners later in the week.

See Handout

Vander Leest referenced an e-mail from the Juliana Ruenzel (Corporation Counsel) dated January 14, 2015. She provided an opinion letter that answers questions on legal requirements for GAL fees and the Board of Supervisors role in setting policy. GAL fees are set by state statutes and there is a caveat that in regards to reimbursement to the courts, the courts do have statutory authority to waive set fees. State statute sets policy for the waiver of fees.

Vander Leest told the committee that a lot of smaller counties do not have waivers. Some larger counties that have waivers set limits. Brown County has encountered some outstanding bills of \$16,000 – \$20,000. Vander Leest said that he understands that there are some complex cases, but the county has to get costs down instead of having such large bills.

Chairman Buckley pointed out that there was one bill for \$1,600. Vander Leest feels that the judges will pushback saying that they need the waivers to complete cases and for the safety of the children. Vander Leest has had discussions with the judges about having wage garnishments if a user has signed up for a GAL and not paid the full deposit. Vander Leest explained that he would like to do a wage garnishment right away. He explained that what often happens is a user is told they have to pay \$50 for eight months to get to the deposit which is typically \$700, and then many times the user will pay the first \$50 and then stop paying but the services have started.

A user has the service even if they do not pay the full deposit and then the courts have to chase the money. Chairman Buckley suggested that the attorneys might be telling their clients that fact in

order to get paid. Supervisor Nicholson agreed. Vander Leest said that the attorneys get paid no matter what.

Vander Leest also said that if a user went over and had to do more work and there is additional bill that then could also be garnished. The judges would have to agree to the garnishment as well if they are setting any sorts for limits on the waivers. If a user gets a waiver they might be limited to only \$1,000 or \$1,500. Those are questions the judges will have decide. There are limits on criminal cases if an offender has an attorney. The county shouldn't just give them a blank check; some requirements are needed. If arguing parties are on a waiver, they don't have any incentive to stop fighting. The clerk's office only gets \$150,000 for indigent cases which typically pay for probate and juvenile cases, and typically the clerk's office doesn't collect on juvenile. Probate cases are incapacitated people that do not have any resources.

Next letter in handout goes through details of GAL reimbursements and WI statutes. On the last page beginning with "therefore", it appears the court does have authority to order GAL fees be paid after a determination of a person's ability to pay. Wisconsin Chapter 814 does allow court to grant costs and enter judgments for the county. However, Vander Leest added that he finds most people involved are judgment proof as in they make little to no money, so there is nothing that can be garnished after a judgment granted.

Vander Leest said that the clerk's office doesn't verify W2s or anything, so that could be another step, to ask to provide two years of tax returns. The clerk's office will not typically verify income and assets, although they may ask for pay stub, but there might be other forms of income they don't reveal. This is just another idea in that the judges could ask for more income verification, so if a user has stocks, bonds, or other assets, they aren't getting an income waiver. Everyone wants to get a waiver.

Vander Leest said it's very hard to collect any funds after a case is done; it's nearly impossible to get a user to voluntarily pay. Vander Leest stated that there are currently over \$2 million in outstanding fees that the clerk's office is chasing. Three judges have been calling hearings of former users to compel them to pay, and if they don't pay the judges could issue warrants for their arrest.

Supervisor Buckley asked if there are judges that are more lenient on the fees than other. Vander Leest wants to discuss the issue with some other judges first, and then wants to have the discussion outside of committee. Supervisor Buckley asked for an analysis at the next meeting on waivers and what each judge's position is.

Vander Leest said that the Court Commissioners are the ones who are really dealing with the waivers a lot, but sometimes the judges do it too. The clerks' office asked the Court Commissioners to raise their minimum from \$25 to \$100. The clerk's office would like to get users to do more than they are doing and requiring users, if they stop paying monthly amounts that the service would stop as well. Right now, the service continues even if they stop paying the monthly amount. The other part of the revenue side is that the Clerk of Courts charges, and if those are being waived as well, then the office has not met some of those budget items. The budget for 2014 is still being reviewed.

Supervisor Buckley said that if we have a report on the judges continuously waiving fees, he felt that that is a concern that the committee needs to address and talk to the judges about. He added that if the judges wish to keep waiving fees, the county should ask them where to come up with the money. The Clerk of Courts cannot continue to be in the hole hundreds of thousands of dollars.

Supervisor Buckley feels that the committee is basically getting down to the crux of the problem. Vander Leest felt that meetings with the judges at their monthly judges meetings would be a good place to bring these ideas forward. He also felt that meetings with the Court Commissioners are needed. Vander Leest thinks that a joint meeting would be a good idea between all involved parties. Vander Leest will have to talk to Judge Atkinson to set up, but felt it would be prudent to get plan forward.

Supervisor La Violette asked if the judges Vander Leest had spoken to so far were supportive of the proposed changes that have been discussed. Vander Leest said yes. Supervisor La Violette continued that it seems to to her that he will need more staff to follow up on some of those objectives, but it staff is being reduced. Vander Leest replied that the 2015 budget had a review for \$60,000, and if the vacant positions were filled the department would be over budget. He continued that if there are bills where totals do not match deposit, Vander Leest himself is following up.

Vander Leest commented that in the discussion on garnishments, it's a separate process. When a user starts and wants a GAL, and they don't pay the full deposit amount, their wages will automatically be garnished. Or if there is an unpaid balance at the end of the case, they would also garnish wages. Vander Leest said that it is possible that some people might quit their job to stop the garnishment, but he feels the majority of people will continue working and pay it. This could be done when a user first starts the GAL process.

Vander Leest said that they need to collect more revenue from where they are. There are currently more bills than revenue, and there is that \$2 million dollar pot currently outstanding. Vander Leest feels that the system needs to do a better job getting the money up front and securing payment during the process.

Vander Leest said that probate costs have gone up significantly, and they are looking into why that is. It could just be that people are living longer. It used to only cost \$30,000-\$40,000, but it's now closer to \$75,000, and the people in these cases typically don't have the resources to pay anything.

Vander Leest thinks that trying to get GAL issue taken care of is most important. From his analysis of the last three years it's between a \$100,000 - \$150,000 hit. That's almost half the issues; the GAL family issue.

Supervisor La Violette re-asked her question of are the judges on board with the proposed changes. Vander Leest responded that he had met with some in beginning of January and one this week. For the most part they understand that the issues need to be tackled and they are supportive of new ideas. They have to collectively agree to say that they will do the changes and then it is put in writing and signed by all. If the County Board wants to weigh in, they could do a resolution or have meetings with the judges. Presiding judge is Atkinson and he has been very supportive in trying to get it under control.

Supervisor Buckley asked if after a case is done, if there are fees outstanding is it public record. Vander Leest said he believes that's that case, but added that after the conclusion of the case, a user has a period of time that they are allowed to make payments (usually 90-100 days to pay the balance). If they don't pay then it goes to a judgment and goes through the collection process, but then it is too late. Then the county has to wait for tax intercept which is how most fees are recovered, but the process can take two or more years. From now through mid-April will be the period that the department is doing tax intercept to collect unpaid GAL fees.

Supervisor Nicholson commented that just by listening he believes that Vander Leest is moving in right direction. Maybe the problem the county had in the past was that the Clerk's office had too much staff. Vander Leest says he is going to be more hands on. Supervisor Nicholson continued that in the past, when the committee asked questions of Jason Beck (clerk before Vander Leest), he couldn't answer any questions, and the person before that was even worse. The committee was really wondering who was running the Clerk's office. Vander Leest is very refreshing for the committee. Supervisor Nicholson believes that Vander Leest will fix the office and be more hands on and be able to answer questions. He thanked him.

Supervisor Zima commented that the handout was not in packet, so he will have to review documents passed out and come back at it at the next meeting. Supervisor Zima felt that from the materials, it sounds like Brown County doesn't have the right to prohibit waivers and asked how other counties are able to do it. Vander Leest said that he believes that it's a simple agreement amongst those counties judges that they don't want to do waivers. Supervisor Zima suggested that the committee have a meeting with the judges.

Vander Leest said that many counties that don't do the waivers are smaller counties, but some larger ones such as Outagamie don't do waivers much; it's very limited.

Supervisor Zima asked who would do the garnishments. Vander Leest thought the court would handle the garnishments because they have to fill out the forms. Supervisor Zima asked if an employee was needed in the clerk's office to do the leg work and get the process going. Vander Leest said that it's possible since the clerk already handles the paperwork for small claims. Supervisor Zima asked if Vander Leest was saying the Clerk's office could do the garnishments. Vander Leest said yes, if the judges agree to it. The judges do garnishments on criminal attorney fees.

Motion made by Supervisor La Violette, seconded by Supervisor Clancy to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

Public Safety Communications

8. Director's Report.

Cullen Peltier presented. He provided a quick update on staffing. The department has two open positions and they have been offered and accepted; they will start March 2. The department will then be back to a full compliment.

CAD and phone RPs had demos recently. A decision on the vendor will be forthcoming, and then it is expected to be able to bring to committee maybe next month. The CAD is a little more complicated. There are a number of things to be looked at with that and the scoring team is still looking through some of the issues. The CAD system is probably still two months from committee.

A bidirectional amplifier was installed at the jail last week and it is up and running.

Peltier brought up a couple high level items that need to be looked at. The first was the Public Safety Advisory Committee. It has been really hard getting quorums for that committee. The first meeting of 2015 was last week and there was no quorum. The last quorum was in July 2014. Peltier requested that the committee look at changing ordinance and making a different makeup of the advisory committee or something to start getting quorum.

Supervisor Nicholson asked if this is the committee that meets on Friday mornings. Peltier said that the committee meets on Wednesday afternoons quarterly.

Peltier said that the advisory committee is established by county ordinance and it includes all of the players in the county. Supervisor Nicholson said that the committee used to be on Friday mornings, and that he has not attended a meeting for a long time. He showed up to one meeting and it was like a circus. The committee had donuts and coffee and talked about everything, but what everyone was supposed to be there for. Peltier thinks that the committee is not like that anymore, and said that they are fairly productive even without the required quorums. The committee is made-up of the chiefs of police, city fire, De Pere fire, rural fire reps and several more. Supervisor Nicholson asked if the meetings were more serious now. Peltier replied that they are very serious, short and concise meetings. The purpose is to get out information needed and if decisions need to be made on any policies, it is brought to that committee. Chairman Buckley asked Peltier to come up with some ideas and a plan and report back to the committee on how he would like to see the committee adjusted.

Peltier moved on to the topic of building codes and in-building coverage for radios. He brought up that the Pulaski High School has some coverage issues. System still meeting all coverage, but the point is that it is up to the facilities where the owners of the facilities have to make sure that they have coverage for first responders coming into building. The Resch Center realized that they needed additional coverage in areas of the facility and they had to put it in. The same issue existed at the jail.

Chairman Buckley asked what the cost of ensuring coverage was. Peltier responded that it varies and can be anywhere from \$10,000 – \$80,000. Generally, it will cost a facility roughly \$10,000 – \$20,000. The Pulaski High School upgrade is looking at \$37,000 since it is a relatively large facility. Peltier feels that this is something to look to when looking at new construction codes. Regarding large venues, they should have coverage built into their facilities. It would be cheaper for them to do it in the beginning anyways.

Last thing to report is the Green Bay radio report. The communications department is continuing to get information from the City of Green Bay and over the last month they had 17 complaints that were put in by officers. Over the last month, they had almost 600,000 radio transmissions and 37 system busy errors. None of the system busy errors coincided with any complaints. The communications department went back and mapped all complaints back to May of 2014 which totaled 94 complaints. The map shows a little clustering in certain areas. The areas affected were the core of downtown, around the Green Bay Police Department, the area at Humboldt Road around 143. As the department continues to get the information, they will continue to map it. Peltier has taken the data and forwarded it to Motorola and is waiting for response. Communication department is communicating with the police department on these issues with Captain Able and Lt. Cain. Out of the complaints that they had, 16 were in squad radios which was odd as there should be no cover issues on squad radios. Peltier has asked John Lamkin to look into it and see where the interference is coming from. Any other previous complaints have been on portables.

System busy errors occurred during two snow storms and a Packer game. Peltier will keep working on this and will keep committee informed.

Supervisor Clancy asked when the communications department has to go back and upgrade a facility is there a shared cost or do the funds come out of Peltier's budget. Peltier said that any upgrades, like at the Pulaski High School, are on the facility and not the county. The county can't financially help a facility because that would open up a can of worms regarding large scale facilities like Georgia Pacific that also doesn't have 100% coverage.

Supervisor Clancy asked if developers and building contractors think about this issue prior to building. Peltier said no and that's the problem. He would like to see the issue be more visible, so

the county and a facility don't have to do it after the fact. He believes if it was in the building code, it would create stronger buildings.

Motion made by Supervisor La Violette, seconded by Supervisor Nicholson to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

9. Discussion and possible action on strategies and negotiating of lease agreements at Public Safety Communications.

- a) **Closed Session:** Notice is hereby given that the governmental body will adjourn into a closed session during the meeting on the above, as authorized pursuant to Section 19.85 (1)(e) of the Wisconsin Statutes, for the purpose of deliberating or negotiating the purchase of public properties, the investing of public funds or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. Wis. Stat §19.85 (1)(e)
- b) **Reconvene in Open Session:** Discussion and possible action on negotiating Airadigm Communications lease agreements.

Motion made by Supervisor La Violette, seconded by Supervisor Clancy to enter into closed session. Vote taken. MOTION CARRIED UNANIMOUSLY

Motion made by Supervisor Nicholson, seconded by Supervisor La Violette to proceed as advised by corporation counsel. Vote taken. MOTION CARRIED UNANIMOUSLY

Motion made by Supervisor La Violette, seconded by Supervisor Zima to return to regular session. Vote taken. MOTION CARRIED UNANIMOUSLY

Sheriff

10. Costs Associated with Hiring/Training Corrections Officers.

Sherriff Gossage presented. Referred to information provided in packet. The cost is \$20,000 per person to hire someone and does not include fringe benefits. The other component associated with that is to take \$318 out of the total which is the cost of the polygraph, and Brown County does not polygraph corrections officers, only sworn. When the Sherriff pared down hours and looked at what was needed to hire someone it was approximately \$20,000 per person

Supervisor Clancy said that he asked the question last time and just wanted to know what it costs to hire someone. Gossage spoke to the County Executive about this problem when the state took protective status away. Gossage talked on January 28 to the legislative body, and it is his understanding that Rep. Born will be taking up the initiative. Rep. Born will be drafting a bill to allow counties to designate employees with protective status. Rep. Born is a former corrections officer from Dodge County and he knows the reasons why protective status should be allowable. Since last public safety meeting there have been two resignations of employees. They left for jobs outside of the county; one within the field and one quasi within the field on the private side.

Supervisor Clancy asked if the corrections officers know that the Sherriff is supportive. Gossage replied absolutely and that he informs the corrections staff about when and what they are doing and that they will continue the fight. Gossage spoke with Sen. Hansen, and he is backing it, but he is not in the majority.

Supervisor Zima asked if the Sheriff has spoken with other Brown County legislative representatives. Gossage said that he has scheduled meetings on February 18 with Brown County legislators including

Rep. Steffen, Rep. Jacques, Sen. Cowles and Sen. Hansen. Gossage said they have met with Rep. Steinke on January 28 and discussed initiatives.

Supervisor Zima asked if Sen. Lasee had been contacted. Gossage said that he has not contacted Sen. Lasee. Supervisor Zima asked if Gossage had contacted Rep. Macco. Gossage said he was not able to get a hold of Rep. Macco.

Gossage said that he is reaching out as part of the Badger States Sheriff lobbying initiative. The organization is getting letters of support from many different organizations. Supervisor Zima commented that there had been a resolution on this issue before. Gossage said that there was and that it was unanimous.

Supervisor La Violette commented that Rep. John Nygren has so much influence, and wondered where he stands on this issue. Gossage told the committee that Nygren's legislative assistant used to be a corrections officer from Brown County, and he told her it is an importation initiative. She assured Gossage that Nygren would get it. She passed it on, but Gossage does not know where Rep. Nygren stands. Supervisor Zima felt that a personal call would be appropriate, and Gossage stated that he will be stopping in when he goes to Madison.

Chairman Buckley asked if the associations are doing any lobbying. Gossage responded yes, that the Badger State Sheriff's meeting in Madison and will be going over these very initiatives. Gossage spoke with Marquette County Sheriff, and told him that he will be taking this initiative as it affects Brown County. The sheriffs and a lot of people are putting a lot of hope in Rep. Born.

Supervisor Clancy asked how much this would cost the state to allow counties to designate protective status. Gossage replied that there is no fiscal impact from the state perspective. Supervisor Clancy asked what the problem is then. Gossage surmised that the state might feel that counties are trying to usurp what ACT 10 accomplished, but Gossage said this specific issue has no bearing on representation or a union.

Gossage said that are simply asking for it to be allowable under the Employee Trust Fund (ETF) because they don't care how the county designates someone. A Milwaukee Law Firm, Phillips and Borowski, were going to counties saying it was illegal for them to have jailers listed as protective status because they didn't meet the criteria. Gossage said that initially they were asking for a carve out from ACT 10, but then the bill came to allow the counties to be able to designate who they want as protective status and cost would be bore by the counties. This is on Gossage's radar to contact anyone at the state level.

Gossage said this failed in the assembly when former Rep. Bies brought a bill into session. They then tried to bring it in through Sen. Hansen in the state senate, but it did not go anywhere. It just went into the retirement committee and it was quashed by the Chair.

Supervisor Zima mentioned that he recalled Rep. Nygren being open to considering the idea. The two that really didn't get it were Sen. Cowles and Sen. Lasee. Gossage responded that that is why he has a meeting scheduled with Sen. Cowles. Supervisor Zima said that we need to get their minds clear and off of the whole fiscal impact study. He felt that even though everyone was telling them there would be no fiscal impact, they just didn't want to listen.

Gossage felt since that there hesitation stemmed from the fact that there was nothing tangible to look at in writing and formulate an opinion on. Gossage further said that he would be willing to testify in Madison on Rep. Born's bill if needed.

Supervisor Zima asked if the new budget did anything with the DA's office. Gossage said that the governor's budget will have an impact. When they went down to Madison on January 28, they went down on three initiatives: 911 funding, more DAs and, the full cost for probation reimbursements. Gossage stated that the governor did not add anything to Department of Corrections (DOC) budget. The DOC gave funding back to the state's general fund which could have been used to offset counties probation reimbursement debts. Gossage said that that is why we have to send the message, and that the sheriffs have been harping on probation and parole.

Supervisor Zima said we don't need property tax relief here in Brown County. What we need is stuff to be adequately funded to improve the safety of the community. Gossage got call from Fox 11 wanting to know how having no 3rd watch guards in the towers will affect safety. Gossage said that while he has no oversight of that, from a public safety perspective he's hoping the DOC will implement a security plan in the guard's absence.

Supervisor Clancy asked when will the Sheriff's report come out on the DARE program. Gossage is hoping for finality to that and says the report will be coming hopefully soon. They have another agency involved. Gossage has talked with the DA about transparency concerns and letting the public know what has happened with the case. Gossage is not at liberty to discuss specifics, but he is hoping to have something soon. Supervisor Clancy asked if the Public Safety Committee would be briefed about the report prior to it being released to the public. Gossage said that if the committee would like to be and once he gets approval from DA, he sees no problem with that.

Chairman Buckley asked the Sherriff to let the committee know, but assumes the sheriff will want to get it out to schedule a meeting.

Supervisor Clancy says he just doesn't want to get blindsided. Supervisor Nicholson suggested that Supervisor Clancy contact the DA. Supervisor Clancy said that he wanted to bring it to the light of the committee.

Gossage said that charges will be referred, and when that is done, he can advise Chairman Buckley to have a meeting prior to release to the media.

Motion made by Supervisor Nicholson, seconded by Supervisor La Violette to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

11. Sheriff's Report.

Sherriff Gossage presented. He referred to the meeting on January 28 and the upcoming meetings on February 18 meeting. They will have a better understanding of what the governor provided for in the budget. They will then be able to address specific issues with those in charge in Madison.

Gossage thanked the committee for allowing to move forward the with crime analysts in computer forensics. With the committee approval and foresight of investigators they had a breakthrough case, but person not charged, so he cannot really comment. The case involves an individual, who had over 7,500 images of child pornography, and without this committee, they would not have been able to get the person the help needed and whatever need to do take of streets. Thanked committee again.

Motion made by Supervisor Nicholson, seconded by Supervisor La Violette to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

Circuit Courts, Commissioners, Probate; Emergency Management

No agenda items.

12. Audit of bills.

13. Such other matters as authorized by law.

Supervisor Zima would like a permanent item on agenda regarding medical examiner/pathologist. Chairman Buckley says that they will come back next month or the next month to report and then after that it will be permanent.

14. Adjourn.

Motion made by Supervisor Zima, seconded by Supervisor Nicholson to adjourn at 12:31pm. Vote taken. MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Therese Giannunzio
Recording Secretary

Brian B. Lueth
Transcriptionist

CLERK OF CIRCUIT COURT

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JOHN A. VANDER LEEST
CLERK OF CIRCUIT COURT

Brown County Clerk of Courts Updates

- 2 vacancies – Clerk I and Deputy Clerk of Courts. Estimated savings for 2015 budget of \$76,000. Budget for open positions was \$60,000 in 2015 budget.
 - 1 position will be filled internally to a Deputy Clerk of Courts to ensure there is enough court coverage, then that related position would not be filed. Work would be absorbed. So a net of 2 vacant positions. Will need approval on Deputy Clerk position
- Working with Brown County Treasurer to move our Clerk of Courts Trust Account Fund to a higher interest rate 0.32% instead of 0.03%. This will be another \$5,000 to \$7,000 of added revenue
- Met with 6 of 8 judges so far. Gathering ideas to increase revenues
- Met with all Clerk of Court staff to review their performance goals and efficiencies for 2015
- Cost Savings and Efficiency Committee will be formed in February to review related efficiency ideas.
- Policy and Procedure Committee is being formed in February to document all of the work tasks and core job duties. The Committee will fine tune this information with employee feedback.
- Met with GAL attorneys to discuss the rules for deposits and the importance of their role in requesting additional deposits so we are not short.
- Working on additional ideas to meet revenues and reduce costs
- Meeting with Court Commissioners on Thursday AM

*** GAL update - Email from Juliana Ruenzel

From: "Ruenzel, Juliana M." <Ruenzel_JM@co.brown.wi.us>
To: "VanderLeest, John A." <VanderLeest_JA@co.brown.wi.us>
BC John VanderLeest
Date: 1/14/2015 11:38 AM
Subject: Guardian Ad Litem fees
Attachments: guardian ad litem fee circuit court.doc

John,

You inquired as to the legal requirements for Guardian ad Litem (GAL) fees and the role of the Board of Supervisors in setting policy for the reimbursement of the Guardian ad Litem fees.

As I had touched on this matter with Judge Thomas Walsh in April of 2014, I have attached my opinion letter sent to the Circuit Court on this matter which may help clear up some of your questions.

You inquire as follows:

1. The legal requirements for GAL fees.

Please refer to my attached letter at page 2 GAL fee reimbursements. This is set by state statutes.

However, the caveat to the reimbursements is that the courts do have statutory authority to waive said fees.

2. Who sets the policy for waiver of fees.

This is set by state statute and the authority is given to the Courts to make said determinations.

You indicate Oconto County does not allow waivers. I cannot address what procedures are used by Oconto County as I am not familiar with them. That being said, I can tell you by Wisconsin State law §814.29, any individual may bring any action without paying fees or security for costs upon the order of the court with a showing of indigency, usually done by affidavit with documentation verifying said claims. The waiver used by Brown County is something that allows consistency for the Courts so that when someone is requesting the waiver of fees, as allowed by law, the Judge merely needs to review the document which the Judges are familiar with, and ask questions or ask for documentation. Not allowing the waiving of fees would be contrary to the state statutes.

3. How is the information on the Affidavits and waivers verified.

The veracity of the information on the Affidavits of Indigency is discussed in the attached letter. As you will note, by state statutes it is done through the Courts as the Judges are to ask questions and verify the information to determine indigency and a waiver of fees including those for GAL reimbursement.

I hope this answers all your questions.

Thanks,

Juliana M. Ruenzel

Brown County Corporation Counsel

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April 17, 2014

Honorable Judge Thomas J. Walsh
Brown County Circuit Court, Branch II
Brown County Courthouse
100 South Jefferson Street
P.O. Box 23600
Green Bay, WI 54305-3600

RE: Guardian ad Litem Payments/Reimbursement

Dear Judge Walsh:

This is in reference to your two inquiries regarding Guardian ad Litem fees. You noted that the County is running behind in collection of said fees and seek assistance or suggestions on the matter. As my department does not handle the collection of Guardian ad Litem fees, I have no knowledge of the status of the collections, but would be willing to assist the Court on this matter. My understanding is the Guardian ad Litem fees are handle at the Clerk of Courts Department.

VERACITY OF INFORMATION IN AFFIDAVIT OF INDIGENCY

You first inquired as to the veracity of the information in the Affidavits of Indigency and ask if the Corporation Counsel's office can assist in verifying the information contained in these Affidavits.

The Corporation Counsel's office does not have access to the Affidavits of Indigency, and are not part of any Indigency Hearings of the Circuit Court. For the Corporation Counsel's Office to get involved may appear to be a conflict of interest, as well as I question if my office would even have the right to see the Affidavits with confidential information on them. Further, my office does not have access to databanks to confirm the information in the affidavits. Generally, the attorney representing the interest of the party claiming indigency presents the verification to the court at an Indigency Hearing to substantiate their party's claim of poverty. (e.g. Public Defender, Guardian ad Litem, or Private Attorney)

In looking at the state statutes, Wis. Stat. 814.29 (1) states that the Court shall make a finding of poverty if the affidavit demonstrates an inability to pay the costs of the action.

The person claiming to be indigent needs to file an affidavit with the Court and then the Court shall make the finding of poverty at an Indigency Hearing if the affidavit demonstrates any of the following:

1. That the person is a recipient of means-tested public assistance, including aid to families with dependent children, relief funded by a relief block grant under ch. 49, relief provided by counties under s. 59.53(21), medical assistance, supplemental security income, food stamps or benefits received by veterans under s. 45.40(1m) or under 38 USC 501 to 562.
2. That the person is represented by an attorney through a legal services program for indigent persons, including, without limitation, those funded by the federal legal services corporation, the state public defender or volunteer attorney programs based on indigency.
3. That the person is otherwise unable, because of poverty, to pay the costs of the action, proceeding or appeal or to give security for those costs. In determining the person's ability under this subdivision to pay or give security for fees and costs, the court shall consider the person's household size, income, expenses, assets and debts and the federal poverty guidelines under 42 USC 9902(2). **Wis. Stat. 814.29 (1) (d).**

My past experience in this matter is minimal as the Courts I have worked in always handled the Indigency Hearings with the individual and any attorney that represented them, without my presence in court.

GAL FEE REIMBURSEMENTS

You further inquire as to whether GAL fee reimbursements are available for such cases as Minors, Incompetents, Guardianships/Protective Placements/ CHIPS/Juveniles, Child Abuse Cases. In my research, it appears the state statutes support the Court's authority to grant an order or a judgment for the payment of GAL fees for those cases where there appears to be the ability to pay as shown under:

Wis. Stat. §48.235 (8) (b) (Children's Code) states that a court may order either or both of the parents of a juvenile for whom a guardian ad litem is appointed to pay all or part of the compensation of the guardian ad litem. The court may enforce its order for the parent to pay under the court's contempt power.

Wis. Stat. §54.74 (Guardianships) which states the Court shall order compensation for GAL out of the ward's estate if sufficient.

Wis. Stat § 55.10 (4)(b) (Protective Services) states that if an adult is indigent than the county shall be liable for the fees due the guardian ad litem. If a minor is in need of protection the minor's parents or county is liable for the GAL fees.

Wis. Stat. §757.48 (2) (General Court Provisions) states if the statutes do not specify how the fee of the guardian ad litem is paid, the ward shall pay such fee. The court may, however, in cases involving real or personal property in which the ward claims or may have a right or interest, order payment out of such property.

Wis. Stat. §879.23(4)(d) (Probate Procedures) regarding minors or incompetents guardian ad litem are compensated as shall be set by the court and paid out of the estate.

Wis. Stat. §938.235(8)(b) (Juvenile Code) states that a court may order either or both of the parents of a juvenile for whom a guardian ad litem is appointed to pay all or part of the compensation of the guardian ad litem. The court may enforce its order for the parent to pay under the court's contempt power. **Wis. Stat. §938.235 (8)(e)**

Therefore, it appears that the court does have the authority to order GAL fees to be paid after a determination of ability to pay through an Indigency Hearings involving the party and/or their legal counsel.

In looking further, Wisconsin Statutes Chapter 814 does allow the Courts to grant costs and enter judgment for the County in this regard. However, I find that most people involved in the above matters are judgment proof, as they make little to no money, so there is nothing that could be garnished after a judgment is granted.

In the rare case where a parent/adult/incompetent has the financial mean to pay, then the Court could order costs under Chapter 814 and enter judgment. Once judgment is obtained from the Court, if the Clerk of Courts has a Social Security number of the party and their Driver's License number, then they could do a tax intercept, or the judgment could be sent to a private collection agency under Wis. Stat. §59.40(4). After talking to the Clerk of Courts office it appears this is being done already.

The only other area I can think of is in the case of the Court entering an Order for a party to pay the County back, then the Court can enforce said order by a Contempt proceeding with the threat of jail.

I apologize for the delay in responding to this matter. I hope this was helpful to the Court.

Very truly yours,

Juliana M. Ruenzel
Brown County Corporation Counsel